THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE SRI JUSTICE C.Y.SOMAYAJULU

–

WRIT APPEAL NO.2385 OF 2005.

DATED: 19-12-2005

Between

The Superintending Engineer (Operation

Circle). A.P. Southern Power Distribution Co.,

Ltd., Kadapa

….Appellant

And

M.Venkatarami Reddy, son of

M.Bala Venkatarami Reddy, D.No.5/726

Devangapeta Street, Proddatur, Kadapa

District.

…Respondent

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant herein is the respondent in the writ petition and the respondent herein filed the writ petition seeking a writ of mandamus to declare the action of the respondent in rejecting the candidature of the petitioner for the

post of Junior Lineman on the ground that the petitioner is over-aged as on 01-08-2003, as illegal and arbitrary.

The case of the petitioner was that there is ample power conferred under the provisions of Clause (5) of the Rules of the Operation of Subordinate Service Statutory Rules and the said powers has not been exercised in proper perspective.

On contest by the appellant herein, the learned single Judge after taking into consideration the said specific powers as contemplated under the rules and in view of the principles as laid down by the Apex Court in C.A.Nos.4347-54/1990 etc., dated 12-01-1995, allowed the writ petition with a direction to consider his case and exercised power of relaxation.

Having regard to such powers as contemplated under the rules and also in view of the principles as laid down by the Apex Court, we do not find any merits in this appeal.

Accordingly, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 19-12-2005.

C.Y.SOMAYAJULU, J

Hsd